

Application Serial No. 10/500,791

JUL 16 2008 OT-4922**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-5, 7, and 9 were pending and were rejected in the Office Action. By way of this Amendment, Applicants have: (a) amended claims 1 and 9; and (b) canceled claim 5, which was incorporated into claim 1. Accordingly, claims 1-4, 7, and 9 remain pending for further consideration.

1. Objections to Claims 1-5, 7, and 9

The Examiner objected to claims 1-5, 7, and 9 due to allegedly unclear recitations in claim 1 (*i.e.*, the claim from which claims 2-5 and 7 depended) and claim 9. Without acquiescing to the propriety of this objection, Applicants have opted to advance prosecution by amending the language in claims 1 and 9 in a manner similar to that which was suggested by the Examiner. Accordingly, Applicants respectfully believe that the basis for this objection is now moot and, therefore, this objection should be withdrawn.

2. Rejection of Claim 7 under 35 U.S.C. § 112, ¶2

The Examiner rejected claim 7 under 35 U.S.C. § 112, ¶2 due to an antecedent basis issue. Applicants respectfully submit that this rejection has been fully obviated by way of the amendments made herein to claim 1, *i.e.*, the claim from which claim 7 depends. A withdrawal of this rejection is, therefore, both warranted and earnestly solicited.

3. Rejection of Claims 1-5, 7, and 9 under 35 U.S.C. §§ 102, 103

The Examiner rejected: (a) claims 1-5, 7, and 9 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,057,728 ("Dammeyer"); (b) claims 1-3 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,675,939 ("Maurice"); and (c) claim 4 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Maurice in view of Dammeyer. For at least the following reasons, Applicants respectfully traverse these rejections.

Initially, the rejection of claims 1-3 based on Maurice and the rejection of claim 4 based on the combination of Maurice in view of Dammeyer is now moot, as claim 1 (*i.e.*, the claim from which claims 2-4 depend) has been amended to recite the limitations of claim 5, which claim was not rejected based on Maurice. Accordingly, the rejections based on Maurice should be withdrawn.

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In response to the previous Office Action, Applicants argued that:

the rings 52, 54 in Dammeyer that the Examiner analogizes to the first and second brake members recited in claims 1 and 9 do not engage different zones of a lining of the rotor 30. Rather, the rings 52, 54 engage one side of a common pressure plate 56 the other side of which includes brake pads (linings) 36 that engage the rotor 30. Further, as the brake pads (linings) 36 engage the same annular portion of the common pressure plate 50, there are no portions of the brake pads (linings) 36 that are distinctly opposed by each of the rings 52, 54, as recited in claims 1 and 9.

In this Office Action, the Examiner clarifies that he considers the combination of Dammeyer's pressure plate 56 and brake pad 36 to be the "lining" recited in claims 1 and 9. See Office Action at p. 7. Even with this interpretation of Dammeyer, the rejection must be withdrawn with respect to claims 1 and 9, as amended herein, for the following reasons.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2-4 and 7 depend) recites an elevator brake that includes, among other possible things (*italic emphasis added*):

a rotor having a brake lining on one side of the rotor; and
movable first and second brake plates that are configured to rotate relative to the brake lining,

wherein each of the first and second brake plates is independently actuatable into engagement with a respective one of two zones of the lining,

wherein the first and second brake plates have generally semi-annular braking surfaces that respectively oppose the two zones of the lining on the one side of the rotor, and

wherein the two zones of the lining of the rotor are annular and concentric.

Similarly, as amended herein, claim 9 recites an elevator brake that includes, among other possible things (*italic emphasis added*):

a rotor having a lining in two concentric annular zones on one side thereof;

movable first and second brake plates, wherein each of the first and second brake plates is independently actuatable into engagement with a respective one of the annular zones of the lining of the rotor, and *wherein the first and second brake plates are configured to rotate relative to the brake lining;*

first and second springs biasing the first and second brake plates, respectively, toward the rotor;

independently actuatable first and second electromagnets for overcoming the bias of the first and second springs, respectively, to hold the first and second brake plates away from the rotor; and

a stationary housing facing an opposite side of the rotor,

wherein the rotor is urged into engagement with the stationary housing when either of the first and second brake plates engages one of the annular zones of the lining of the rotor, and

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wherein the first and second brake plates have generally semi-annular braking surfaces that respectively oppose the two zones of the lining on the one side of the rotor.

As hereafter explained, Dammeyer fails to teach or suggest the elevator brakes recited in claims 1 and 9.

If, as the Examiner suggests, Dammeyer's pressure plate 56 and brake pad 36 are jointly considered to be the "lining" recited in claims 1 and 9, then contrary to claims 1 and 9 Dammeyer's "lining" does not rotate relative to both a first and a second brake plate. Rather, as discussed at col. 3, lines 24-27 of Dammeyer, the pressure plate 56 is linked to the outer armature ring 54 (brake plate) by means of spacers that "prevent the ring 54 and the plate from rotating." As a result, if Dammeyer's pressure plate 56 is considered to be part of the "lining" recited in claims 1 and 9, Dammeyer fails to teach or suggest that the lining rotates relative to both brake plates. In contrast, if Dammeyer's pressure plate 56 is *not* considered to be part of the "lining" recited in claims 1 and 9, then the arguments made in Applicants' previous response are fully applicable and are, therefore, incorporated herein by reference.

In light of the foregoing, as Dammeyer fails to teach or suggest each of the limitations of claims 1 and 9, standing alone Dammeyer can not be used to reject claims 1 and 9, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 2-4 and 7 depend from claim 1, each of these dependent claims is also allowable over Dammeyer, without regard to the other patentable limitations recited therein. A withdrawal of the § 102(b) rejection of claims 1-4, 7, and 9 is, therefore, both warranted and respectfully requested.

4. Conclusion

In light of the foregoing, claims 1-4, 7, and 9 remain in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

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Respectfully submitted,

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